



Washington, D. C. 20505

OLL 84-1325

4 April 1984

Ms. Kimberly Allan

Office of Intelligence Policy Review

Department of Justice

Washington, D.C. 20530

Dear Kimberly:

It was a pleasure meeting you at the recent Office of Management and Budget meeting on H.R. 4620.

Enclosed is the draft views letter on H.R. 4620 that the Central Intelligence Agency proposes to submit to Representative Brooks. I would appreciate your help in obtaining Justice clearance of this letter for transmittal to Representative Brooks.

If I can be of further assistance, please contact me at

Sincerely,

Office of Legislative Liaison

Enclosure

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Central Intelligence Agency



Washington, D.C. 20505

The Honorable Jack Brooks
Chairman
Committee on Government Operations
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This is in response to your request for the views of the Central Intelligence Agency concerning H.R. 4620, a bill to amend the Federal Property and Administrative Services Act of 1949 (FPASA) to prohibit federal officials from monitoring or recording telephone conversations without the consent of all parties. Mr. Casey has asked me to respond on his behalf.

As drafted, H.R. 4620 would not affect CIA activities because the Agency is exempt from the underlying provisions of the FPASA that would be amended by the bill. See 40 U.S.C. § 474. As we have previously informed your Committee by letter dated 15 February 1984, notwithstanding our statutory exemption we have promulgated internal regulations that protect against abuses in connection with telephone monitoring. These procedures authorize monitoring or recording of telephone conversations by Agency personnel with one party's consent if conducted for authorized intelligence purposes and with appropriate senior approval.

Although in its current form H.R. 4620 would not have any impact on CIA activities, the bill could adversely affect the activities of other members of the Intelligence Community. In this regard, I note that the National Security Agency (NSA) has written to you identifying certain aspects of H.R. 4620 that could adversely affect the conduct of their activities. These concerns include the fact that only recordings made for counterintelligence purposes are exempted from the strictures of the bill, with no protection provided to other vital intelligence functions, and that the Privacy Act provisions of this bill could apply to records of any telecommunication recorded or monitored in accordance with other statutes. We endorse the views stated in the NSA letter and urge you to consider the equities of other intelligence agencies before acting favorably upon H.R. 4620.

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If you should have any further questions, or if we can be of further assistance, please contact me or of my Office at

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program. Thank you for the opportunity to comment on this legislation.

Sincerely,

Clair E. George
Director, Office of Legislative Liaison